

## Interview Agenda for Application Number 10/540,401

1. Claims 19-27 stand rejected, under 35 USC §103(a), as being unpatentable over Frodigh et al. (US 5,726,978) in view of Terry (US 2004/0009786).

2. Claim 19 defines a radio communication apparatus that: (1) selects a plurality of received OFDM subcarriers of higher reception quality, (2) generates one channel quality indicator (CQI) representing the reception quality of all the selected subcarriers, and (3) reports the generated CQI and information indicating the plurality of subcarriers selected to a communicating party.

3. The claimed subject matter supports reducing the number of bits to transmit when reporting information about the reception quality of a plurality of subcarriers (see specification page 7, lines 2-6 and 20-23).

4. The Office Action concludes that Frodigh discloses sending an average value of carrier to interference (C/I) measurements for a set of carriers (see Office Action page 2, Response to Arguments section, lines 4-5). The only finding of fact the Office Action cites in support of this conclusion is the Office Action's proposal that "Frodigh discloses averaging the C/I measurements, i.e. one result" (see page 3, lines 17-18).

5. However, the proposal that Frodigh discloses averaging C/I measurements to obtain one result (i.e., the average value) in no way implies that each of such C/I measurements is associated with a different subcarrier. And no such inference may be drawn from Frodigh's disclosure because Frodigh expressly discloses that the average is obtained from multiple measurements of a single subcarrier over time.

6. More specifically, Frodigh discloses that a "link receiver measures C/I on each of the subset of M carriers" (see Frodigh col. 11, lines 4-5, and col. 14, lines 13-14, emphasis added) "and averages the results for each subcarrier" (see col. 14, lines 14-15, emphasis added).

7. Moreover, Frodigh discloses that the C/I measurement or average C/I measurement for each subcarrier is used to determine whether the subcarrier will be replaced with an unused subcarrier having better reception quality (see col. 12, lines 17-21, and abstract, last sentence); this operation would not be possible if the C/I measurements for all subcarriers were averaged to produce a single value, as proposed in the Office Action.

8. Terry is not cited in the Final Rejection for supplementing the teachings of Frodigh with respect to the above-mentioned subject matter distinguishing claim 19 from Frodigh's disclosure.

9. Accordingly, Applicants submit that Frodigh and Terry, considered individually or in combination, do not render obvious the subject matter defined by claim 19. Independent claims 26 and 27 similarly recite the above-mentioned subject matter distinguishing apparatus claim 19 from the applied references, though claim 26 does so with respect to a method. Therefore, allowance of claims 19, 26, and 27 and all claims dependent therefrom is warranted.